IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT HYDERABAD

THE HON'BLE MR JUSTICE A.GOPAL REDDY
and
THE HON'BLE MR JUSTICE P.SWAROOP REDDY

WRIT PETITION NO :18839 of 2007

Date: 01.10.2007

Between:

Smt. Dilshad,

..... PETITIONER

AND

1. The Central Crime Station, Nellore, Nellore District rep. by its Station House Officer, and others.

.....RESPONDENTS

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ORAL ORDER: (per Hon'ble Sri Justice P. Swaroop Reddy)

This writ petition is filed on the basis of the allegation that the petitioner's husband, namely, Pathan Salar Khan was illegally arrested on 07.07.2007 at 3 pm., by the C.C.S. Police Nellore and when she enquired she was informed that her husband was taken away by the Central Crime Station Police, Eluru, and the alleged detenu involved in a crime, he would be produced before the Magistrate. Since then he has not been released and his whereabouts are not known. It is also submitted that the brother of her husband by name Pathan Nagur Khan, who was arrested by the Central Crime Station, Eluru in Crime No.98 of 2007 for the offence under Sections 461, 380 IPC,of Eluru Town, West Godavari District, sent information that the alleged detenu was tortured by the police and both his palms were broken. In view of the same, she apprehends danger to the life of her husband in the hands of police.

The Sub-Inspector of Police, Central Crime Station, Eluru, West Godavari District, the fourth respondent herein filed counter affidavit stating that the alleged detenu is an accused along with three others in Crime No.98 of 2007 for the offences under Sections 461 and 380 IPC of C.C.S. Police Station, Eluru, West Godavari District. The other three accused were arrested and were remanded to the judicial custody, whereas the alleged detenu was absconding and the police are in search of him.

The contention of the learned counsel for the petitioner is that the alleged detenu has been kept in illegal detention and is harassed by causing injuries and he is not produced before the Court since the fact of

alleged detenu receiving injuries could be evident if he is produced before the Court. The said allegation is denied by the learned counsel appearing on behalf of the respondents.

In view of the counter averments that the alleged detenu is absconding and the other accused were remanded to judicial custody, and that they are in search of him, nothing remains in the Writ Petition and the same is accordingly dismissed.

However, if the petitioner has any definite information that the alleged detenu is in illegal custody of the police, she can obtain search warrant from the concerned Court for locating the alleged detenu and as and when the alleged detenu is produced before any Court, the petitioner/alleged detenu can complain before the Court about the injuries, if any, received by the alleged detenu, and the Court concerned shall take appropriate action on such complaint.

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(A. GOPAL REDDY, J.)

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(P. SWAROOP REDDY, J.)

1st October, 2007
Js.